

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NATASHA VAN DUSER, JACKSON  
LEA, CHARLOTTE MASON, TRISTAN  
HSU, MORGANN DANIELS, AMERICA  
ROSE MARVELOUS HERVE, RYAN  
MICKELSEN, KAYL WARD,  
STEPHANIE OSPINA, ZOË FROMER,  
NICOLE IRRIZARRY and JULIETA  
WINTERS, Individually and on behalf of all  
other persons similarly situated,

Plaintiffs,

v.

TOZZER LTD. D/B/A NIAGARA NYC  
AND LOVERS OF TODAY, LAPIZZA  
SHOP, INC., D/B/A 96 TEARS, BERLIN  
AND CABIN DOWN BELOW, BOWERY  
TECH RESTAURANT LLC D/B/A  
BOWERY ELECTRIC, JONATHAN  
TOUBIN, JOSHUA YERINGTON A/K/A  
“JOHNNY T”, JESSE MALIN, AND  
LAURA MCCARTHY, Jointly and  
Severally,

Defendants.

No.: 1:23-cv-9329 (AS)

DECLARATION OF DOUGLAS LIPSKY

DOUGLAS B. LIPSKY, hereby declares to the Court as follows:

1. I am a member of the Bar of this Court and a partner of the law firm Lipsky Lowe LLP, attorneys for Plaintiffs Natasha Van Duser, Jackson Lea, Charlotte Mason, Tristan Hsu, Morgann Daniels, America Rose Marvelous Herve, Ryan Mickelsen, Kayl Ward, Stephanie Ospina, Zoë Fromer, Nicole Irrizarry and Julieta Winters (“Plaintiffs”). I know the facts testified to in this Declaration to be true based on my own personal knowledge.

2. On April 25, 2025, Defendants Tozzter Ltd. d/b/a “Niagara NYC” and “Lovers of Today,” Lapizza Shop, Inc. d/b/a “96 Tears,” “Berlin,” and “Cabin Down Below,” Bowery Tech Restaurant LLC d/b/a “Bowery Electric,” Jonathan Toubin, Joshua Yerington a/k/a “Johnny T,”

Jesse Malin, and Laura McCarthy (“Defendants”) made an Offer of Judgment to Plaintiffs via Email.

3. On April 25, 2025, Plaintiffs received and accepted Defendants’ Offer of Judgment and served their Notice of Acceptance to Defendants via Email.

4. I hereby declare that the foregoing statements made by me are true. I am aware that if any of the foregoing statements by me are willfully false, I am subject to punishment.

Dated: New York, New York  
April 25, 2025

By: s/ Douglas B. Lipsky  
Douglas B. Lipsky  
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